

Tribal Nonpoint Source (NPS) Program Overview

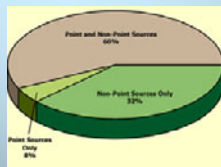
Mitra N. Jha
NPS Tribal Coordinator
(303) 312-6895
EPA Region 8

Objective of Presentation:

- Describe EPA Nonpoint Source (NPS) Tribal Program
- Provide Feedback for NPS 319 Program Process
- NPS Program at Region 8

NPS Impacts on Water Quality

NPS is important cause of impairment



NPS Management Goal

- NPS programs control NPS pollution
- Implementation of management measures and practices
- Reduce pollutant loadings
- Identified in NPS assessment report
- Address each category -subcategory

Tribal Nonpoint Source Program

- Clean Water Act, Section 319 enables states, territories, and tribes
 - Address the NPS pollution problems
- Section 518 authorized EPA
 - to treat federally recognized Indian Tribes in the same manner as states

Congressionally Authorized Funding

- Under CWA Section 518 and 319
- Awarded to Tribes of 1/3 of 1 percent
- Congress increased funding \$330,000 in FY 1997 to \$6 million in FY 2001- 2003.
- In FY 2004 -2006, funding to Tribes to \$7,000,000.

CWA Section 319 National Program Facts

- Participating Tribes have increased from 11 to 114 during 1997 to 2006,
- Represent 75% of all tribal land
- Approximately 40 million acres
- In 2005, 12 new Tribes joined the program
- Approval of additional programs is expected in 2006



Funding for Tribal CWA Section 319 Programs

- Base grant
 - \$30,000 for Tribes with 1,000 sq.miles or less
 - \$50,000 for Tribes with <1,000 square miles
- Competitive grants
 - Up to \$150,000 to implement on-the-ground water quality improvement projects

→ Funds require a 40 percent non-federal match.
This amount can be reduced to 10 percent in cases of undue financial hardship.

Available Grants for 2007

- EPA will award a total of \$6,900,000 to eligible Tribes
- Allocation similar- distributed in FY 2006
- Base grants to 114 Tribes
- 28 Tribes through a competitive process.

Guidelines for Awarding 319 Grants to Indian Tribes

- EPA publish guidelines in Federal Register
- Last seven years
- Approved NPS Assessment Report
- Management Program Plan and
- TAS needed to be eligible for 319 grants
- Status as of October 13, 2006

NPS Assessment Report

- Describe NPS related water quality problems
- Identify the nature, extent, causes, and effects on NPS pollution
- Describe programs and methods needed for controlling the pollution

NPS Management Program

- A multiyear strategy document
- Designed to bring NPS pollution under control
- Describes how to correct or prevent NPS problems
- Identifies reservation-wide and watershed-level projects
- Implement management practices for pollution prevention

Tribal Eligibility (CWA Section 518(e))

A Tribe must demonstrate:

- Federal recognition
- Substantial governmental duties and powers
- Capability to carry out program
- Legal authority and jurisdiction

→ Essentially the same as CWA Section 106 TAS/FAE.

Federal recognition

- Tribe must be Federally recognized by the Secretary of the Interior.



Tribal government

- Statement describing how the governing body carries out its duties and powers.
- Constitution
- Articles of incorporation
- Codes
- Ordinances
- Resolutions



Capability

- Tribes capability to administer programs.
- Previous and current managerial experience
- Evidence of environmental and public health concerns
- Existing and proposed staff resources
- Description of accounting and procurement systems

Tribal Jurisdiction

- Tribes jurisdiction over the water resources on the reservation.
- Maps of the reservation and of waters
- Executive Order, Treaties, or Acts Congress established the reservation
- Ordinances or other documents
- Authority comparable to Section 504 of the Clean Water Act

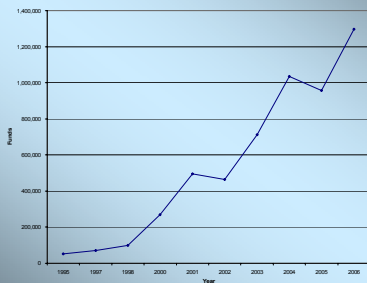
EPA Region 8 Tribal Commitments

- | | |
|--|--|
| • Assiniboine & Sioux Tribes/Fort Peck | • Gros Ventre and Assiniboine/Fort Belknap |
| • Southern Ute Indian Tribe | • Northern Cheyenne Tribe |
| • Blackfeet | • Flandreau Santee Sioux |
| • Confederated Salish & Kootenai/ Flathead | • Ute Mountain Ute Tribe |
| • Chippewa-Cree Tribe/Rocky Boy's | • Turtle Mountain Band of Chippewas |
| • Crow | • Lower Brule Sioux Tribe |
| • Cheyenne River Sioux | • Spirit Lake Nation/Fort Totten |

Region 8 Tribes working toward 319 TAS

- Oglala Sioux Tribe
- Sisseton-Wahpeton Oyate Lake Traverse Reservation
- Northern Arapaho Tribe Wind River Reservation
- Standing Rock Sioux Tribe
- Yankton Sioux Tribe

Region 8 319 Grants



R8 CWA Section 319 Funded Activities

- Implementation of Tribal NPS Management Programs
- Implementation BMPs in watersheds
- Local coordination and planning of watershed projects

R8 CWA Section 319 Funded Activities (continued)

- Information and education outreach
- Water quality monitoring for NPS assessments and watershed projects
- Measure environmental results
- Watershed-Based Plans Development
- Implementation

R8 Overall Objectives of NPS Program

- Identify Reservation's NPS problem
- Revise NPS Assessment Report and Management Program Plan
- Develop Watershed Plan for the Reservation
- Develop partnership for funding and other resources
